

04
26.11.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 22969 of 2024

**Smt. Jayati Bhattacharya
-versus
The State of West Bengal & Ors.**

**Mr. Ratul Biswas,
Mr. Kaushik Chowdhury,
Ms. Soumoyadipa Kanu.
...For the Petitioner.**

**Mr. Raja Ram Banerjee.
...For the State.**

1. Supplementary affidavit filed by the petitioner in Court today is taken on record.

2. The petitioner prays for grant of house rent allowance (HRA) in her favour which is not being paid to her allegedly because her husband receives HRA from his employer.

3. It has been submitted that the husband of the petitioner works in a private organization and his house rent ought not to be taken into consideration for providing HRA to the petitioner.

4. The issue as to whether HRA may be provided to the government employee if the spouse works in a private organization has been decided by the Court in the judgment delivered on 16th March, 2021 in a batch of writ petitions first of which is **WPA 1389 of 2018 (Mousumi Biswas & Anr. -vs- State of West Bengal & Ors.)**.

5. Learned advocate appearing on behalf of the State respondents is not ready with any instruction in the matter.

6. However, as it appears that the issue in question has already been decided by the Hon'ble Court, accordingly, it will be open for the petitioner to approach the concerned District Inspector of Schools with a request for releasing HRA in her favour.

7. In the event such a representation is made by the petitioner, the same shall be considered by the authority strictly in accordance with law and in line with the law laid down by this Court in the matter of Mousumi Biswas (*supra*).

8. A decision shall be taken in the matter at the earliest but positively within a period of eight weeks from the date of filing the representation.

9. If the prayer of the petitioner is allowed, then necessary consequential steps shall be taken by the authority for releasing full HRA, both arrear and current, immediately thereafter.

10. The writ petition stands disposed of.

11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)